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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x  
3 UNITED STATES OF AMERICA

4 v.

21 CR 471 (PKC)  
Remote Video Plea

5 ANTHONY STIMLER

6 Defendant

7 -----x

8 New York, N.Y.  
9 July 26, 2021  
11:00 a.m.

10 Before:

11 HON. P. KEVIN CASTEL

12 District Judge

13 APPEARANCES

14 AUDREY STRAUSS

15 Acting United States Attorney for the  
Southern District of New York

16 MICHAEL MCGINNIS

CHRISTOPHER DiMASE

17 Assistant United States Attorney

18 BUCKLEY LLP

Attorneys for Defendant

19 DAVID KRAKOFF

20 NADAV ARIEL

21 ALSO PRESENT: MICHAEL KHOO, DOJ (Money-Laundering Unit)  
22 LEILA BABAEVA, DOJ (Fraud Unit)  
DOMINIQUE JACKSON, USPS (SDNY)

L7QQstiP

1 (The Court and all parties appearing via  
2 videoconference)

3 THE COURT: This is United States of America against  
4 Anthony Stimler. Appearing for the government.

5 MR. McGINNIS: Good morning, your Honor.

6 You have Michael McGinnis and Christopher DiMase from  
7 the U.S. Attorney's Office from the Southern District of New  
8 York.

9 We are joined today by Michael Khoo from the  
10 Department of Justice Money Laundering and Asset Recovery  
11 Service Section, and Leila Babaeva from the Department of  
12 Justice Fraud Section.

13 THE COURT: All right. Mr. Stimler, can you hear me?

14 THE DEFENDANT: Yes, I can, your Honor.

15 THE COURT: And can you see me?

16 THE DEFENDANT: I can indeed, your Honor.

17 THE COURT: Thank you.

18 Appearing for the defendant, please?

19 MR. KRAKOFF: Good morning, your Honor.

20 David Krakoff and Nadav Ariel from the Buckley LLP in  
21 Washington DC on behalf of Mr. Stimler.

22 THE COURT: Mr. Krakoff, I know you have filed a  
23 *pro hac vice* motion, and it appears to be in good order, and  
24 I'm going to direct that that be granted, of course, subject to  
25 paying the admission fee.

L7QQstiP

1 MR. KRAKOFF: Thank you, your Honor.

2 THE COURT: And also on from pretrial services?

3 MS. JACKSON: Good morning, your Honor.

4 Dominique Jackson here from pretrial services.

5 THE COURT: Thank you for being with us this morning.

6 Now, Mr. Stimler, I have been advised that you have  
7 signed a waiver of your right to be physically present at this  
8 proceeding. In fact, you signed that apparently on July 23,  
9 2021. Is that correct, sir?

10 THE DEFENDANT: That is correct, your Honor.

11 THE COURT: Did you understand that you have the right  
12 to appear in a courtroom with your lawyer at your side, and by  
13 signing the waiver of the indictment -- or, rather, the right  
14 to be present, you gave up that right, and consented to proceed  
15 in the manner that we are proceeding this morning, both by  
16 audio hookup and by video link. Do you understand you gave up  
17 those rights?

18 THE DEFENDANT: Yes, I do, your Honor.

19 THE COURT: All right. I want you to know,  
20 Mr. Stimler, if at any point today you want to speak in private  
21 with your lawyers, I will give you the opportunity to do so.  
22 Do you understand?

23 THE DEFENDANT: Yes, I do, your Honor. Thank you.

24 THE COURT: Furthermore, having reviewed the plea  
25 agreement, the nature of the agreement that the defendant is

L7QQstiP

1 entering into, it appears to me that further delay of this  
2 proceeding cannot take place without substantial harm to the  
3 interests of justice, and this is in part because of where  
4 Mr. Stimler resides, what the travel restrictions are at  
5 present, and the advantages to both the government and to the  
6 defendant in this particular plea arrangement. So,  
7 accordingly, I find that this proceeding cannot take place at a  
8 later date without substantial harm to the interests of  
9 justice.

10 Now, Mr. Stimler, in a moment I'm going to place you  
11 under oath, and I'm going to ask you certain questions and  
12 inform of you certain rights. If I ask you something or I tell  
13 you something, and you don't quite understand, please let me  
14 know, and I'll put it into different words.

15 Also, if at any point today you wish to speak in  
16 private with your lawyers, I will give you the opportunity to  
17 do so. Do you understand all of that?

18 THE DEFENDANT: Yes, I do, your Honor. Thank you.

19 THE COURT: Please raise your right hand.

20 (Defendant sworn)

21 THE COURT: You can put your hand down. You're now  
22 under oath, and your answers to my questions are subject to the  
23 penalties of perjury or of making a false statement if you do  
24 not answer truthfully. Also, anything you say today may be  
25 used in any such proceeding. Do you understand all of that?

L7QQstiP

1 THE DEFENDANT: Yes, I do, your Honor.

2 THE COURT: How old are you, sir?

3 THE DEFENDANT: I'm 49 years old.

4 THE COURT: And how far did you go in school?

5 THE DEFENDANT: I finished secondary school in the  
6 United Kingdom, close to the age of 18 with A-level  
7 certification, and then I went on to Talmudical college in  
8 Israel for a further three years.

9 THE COURT: Are you now or have you recently been  
10 under the care of a medical doctor?

11 THE DEFENDANT: No, I have not.

12 THE COURT: Have you ever been treated for a mental  
13 illness?

14 THE DEFENDANT: I have not been treated for a mental  
15 illness, your Honor.

16 THE COURT: Have you had any addictions?

17 THE DEFENDANT: I have no addictions, your Honor.

18 THE COURT: How do you feel today?

19 THE DEFENDANT: I feel okay, your Honor, focused.

20 THE COURT: Is your mind clear?

21 THE DEFENDANT: My mind is clear, your Honor, yes.

22 THE COURT: Mr. Krakoff, any doubts as to defendant's  
23 competence to proceed?

24 MR. KRAKOFF: No, your Honor, none at all.

25 THE COURT: Based upon my observations and the

L7QQstiP

1 responses to my questions, I find that the defendant is fully  
2 competent to enter an informed plea.

3 Now, Mr. Stimler, I have been advised that you have  
4 signed a waiver of indictment. Is that correct, sir?

5 THE DEFENDANT: Yes, that is correct, your Honor.

6 THE COURT: Did you read it before you signed it?

7 THE DEFENDANT: I have, your Honor, yeah.

8 THE COURT: Did you discuss it with your lawyer before  
9 you signed it?

10 THE DEFENDANT: I did, your Honor, yes.

11 THE COURT: Did you understand it before you signed  
12 it?

13 THE DEFENDANT: I did understand it before I signed  
14 it, your Honor, yes.

15 THE COURT: Did you understand that you have the right  
16 to have the evidence underlying the charges presented to a  
17 grand jury of 23 people and to have those people decide by  
18 majority vote whether you should be charged or not. And by  
19 signing the waiver of indictment, you gave up that right and  
20 authorized the filing of the charges solely on the basis of the  
21 signature of the prosecutor. Did you understand that?

22 THE DEFENDANT: Yes, I did, your Honor.

23 THE COURT: Find the waiver of indictment is knowing  
24 and voluntary, and it is accepted.

25 Now, the information is deemed filed in open court.

L7QQstip

1           Mr. Krakoff, have you and your client received the  
2 information, reviewed it and discussed it?

3           MR. KRAKOFF: We have, your Honor, at length.

4           THE COURT: Is there an application to waive the  
5 public reading thereof?

6           MR. KRAKOFF: Yes, your Honor, we make that  
7 application to waive the public reading.

8           THE COURT: That application is granted, and I will  
9 provisionally enter a plea of not guilty, recognizing that  
10 defendant's intention today is to enter a plea of guilty. Is  
11 that satisfactory, Mr. Krakoff?

12          MR. KRAKOFF: Yes, it is, your Honor. Thank you.

13          THE COURT: All right. Now, Mr. Stimler, have you  
14 reviewed the information, the charging document, and the  
15 evidence underlying those charges with your lawyer,  
16 Mr. Krakoff?

17          THE DEFENDANT: Yes, I have, your Honor.

18          THE COURT: Have had enough time to consider your  
19 options in this case?

20          THE DEFENDANT: Yes, I have, your Honor.

21          THE COURT: Are you satisfied with your lawyer's  
22 representation of you?

23          THE DEFENDANT: I am, your Honor.

24          THE COURT: I am now going to explain to you the  
25 rights you would have under the U.S. Constitution and U.S. Laws

L7QQstiP

1 if this case proceeded to trial. Now, these are the rights you  
2 are giving up by pleading guilty. Do you understand that?

3 THE DEFENDANT: Yes, I do, your Honor.

4 THE COURT: Under the Constitution of the United  
5 States, you are entitled to a speedy and public trial by an  
6 impartial jury on the charges contained in the information. At  
7 such a trial, you would not have to prove you were innocent.  
8 The government would be required to prove each element of each  
9 crime by proof beyond a reasonable doubt. Before you could be  
10 found guilty, a jury of 12 people would have to agree  
11 unanimously that you were guilty. Do you understand all of  
12 that?

13 THE DEFENDANT: Yes, I do, your Honor.

14 THE COURT: If there were a trial, you would be  
15 entitled to be represented by a lawyer. And if you could not  
16 afford a lawyer, one would be appointed at public expense. Do  
17 you understand all of that?

18 THE DEFENDANT: Yes, I do, your Honor.

19 THE COURT: If there were a trial, the witnesses for  
20 the government would have to come to court to testify. You  
21 would be able to see and hear them. Your lawyer could question  
22 them through cross-examination. Your lawyer could object to  
23 evidence offered by the government. Your lawyer could present  
24 evidence and could ask the Court to compel witnesses to appear  
25 at trial on your behalf. Do you understand all of that?



L7QQstip

1 THE DEFENDANT: Yes, I do, your Honor.

2 THE COURT: If there were a trial, you would have the  
3 right to testify if you chose to do so. You could come up and  
4 take the witness stand. Also, you would have the right not to  
5 testify, and no one would be permitted to draw any inference or  
6 suggestion of guilt from the fact that you decided not to  
7 testify. Do you understand all of that?

8 THE DEFENDANT: Yes, I do, your Honor.

9 THE COURT: Now, if you proceeded to trial and the  
10 jury found you guilty, you would have the right to appeal that  
11 finding. Do you understand that?

12 THE DEFENDANT: Yes, I do, your Honor.

13 THE COURT: Now, those are the rights you would have  
14 if the case proceeded to trial.

15 If you plead guilty, and I accept your guilty plea,  
16 there will be no trial. You will proceed to the sentencing  
17 phase in which the Court will determine the punishment to be  
18 imposed upon you. Even now you have the right to change your  
19 mind. Instead of pleading guilty, you may plead not guilty and  
20 go to trial.

21 Do you wish to plead not guilty and go to trial?

22 THE DEFENDANT: No, I don't, your Honor.

23 THE COURT: Thank you.

24 All right. Do you understand that Count One of the  
25 information charges you with conspiracy to violate the Foreign

L7QQstiP

1 Corrupt Practices Act from at least in or about 2007 up to and  
2 including in or about 2018. Do you understand that?

3 THE DEFENDANT: Yes, I do, your Honor.

4 THE COURT: Count One carries a maximum term of  
5 imprisonment of five years, a maximum term of supervised  
6 release of three years, a maximum fine pursuant to law of the  
7 greatest of \$250,000 or twice the gross pecuniary or monetary  
8 gain derived from the offense or twice the gross pecuniary loss  
9 to a person other than yourself as a result of the offense, and  
10 a mandatory \$100 special assessment. Do you understand all of  
11 that?

12 THE DEFENDANT: Yes, I do, your Honor.

13 THE COURT: Count Two charges you with conspiracy to  
14 commit money laundering from in or about 2007 to up to and  
15 including in or about 2018. Count Two carries a maximum term  
16 of imprisonment of 20 years, a maximum term of supervised  
17 release of three years, a maximum fine of the greatest of  
18 \$500,000 or twice the value of the monetary instrument or funds  
19 involved in the transportation, transmission or transfer, and a  
20 \$100 mandatory special assessment. Do you understand all of  
21 that?

22 THE DEFENDANT: Yes, I do, your Honor.

23 THE COURT: Now, with regard to supervised release,  
24 there are terms and conditions attached to it, and if you do  
25 not live up to them, you could be returned to prison for the

L7QQstiP

1 full period of supervised release. So, say you receive a  
2 prison term to be followed by a period of three years'  
3 supervised release, and you live up to the terms of supervised  
4 release for two years, but then you violate one of the terms  
5 and conditions, you could be returned to prison for the full  
6 period of three years. Do you understand that?

7 THE DEFENDANT: Yes, I do, your Honor.

8 THE COURT: Are you a U.S. citizen?

9 THE DEFENDANT: I am not, your Honor.

10 THE COURT: Among the consequences of pleading guilty  
11 in this case are that you would be removed or deported from the  
12 United States and barred from reentering without the permission  
13 of the Attorney General or designee. The fact that you've  
14 entered into this guilty plea and were convicted would doom --  
15 likely doom any request for reentry, and it would doom any  
16 prospect that you might have of becoming a United States  
17 citizen. Do you understand all of that?

18 THE DEFENDANT: Yes, I do, your Honor.

19 THE COURT: Now, Mr. Krakoff, is your client prepared  
20 to admit the forfeiture allegations in the information today?

21 MR. KRAKOFF: Yes, your Honor.

22 THE COURT: All right. The Court must also order  
23 financial restitution to any person who I find was injured by  
24 reason of your criminal conduct. Do you understand that,  
25 Mr. Stimler?

L7QQstip

1 THE DEFENDANT: Yes, I do your Honor.

2 THE COURT: Now, are you being prosecuted in any  
3 court: State, federal, U.K. Court, court of any country of the  
4 world or serving any sentence anywhere?

5 THE DEFENDANT: No, I'm not, your Honor.

6 THE COURT: Thank you.

7 In sentencing you, I will receive information from  
8 your lawyer and from the government regarding the proper  
9 guidelines range, Sentencing Guidelines range that applies in  
10 your case. And after hearing from your lawyer and from the  
11 government, I will make my own determination of the correct  
12 guideline range that applies in your case.

13 Even after determining the correct guideline range, I  
14 need not follow it and can sentence you all the way up to the  
15 statutory maximum. The Sentencing Guidelines are advisory, and  
16 they are one of the factors that the Court takes account of in  
17 passing sentence upon you. You will only be permitted to  
18 appeal the sentence I impose on the basis that it is unlawful  
19 or unreasonable. Do you understand that?

20 THE DEFENDANT: Yes, I do, your Honor.

21 THE COURT: All right. Let me hear from the  
22 government as to the elements of the crime and how the  
23 government would go about proving this case.

24 And I should tell you, sir, that the reason I am doing  
25 this, Mr. Stimler, is so that you have a better understanding

L7QQstiP

1 of what the government would have to prove beyond a reasonable  
2 doubt if this case went to trial.

3 So let me hear from the government on that.

4 MR. MCGINNIS: Yes, your Honor. Beginning with Count  
5 One, the elements are as follows:

6 Starting in or around 2007, the defendant agreed with  
7 others to violate the bribery provisions of the Foreign Corrupt  
8 Practices Act as charged in Count One of the indictment. The  
9 elements of the Foreign Corrupt Practices Act are as follows:

10 That the defendant acted corruptly and willfully; and  
11 while in the territory of the United States, the defendant made  
12 use of the mails for any means or instrumentality of interstate  
13 commerce or did any other act in furtherance of an offer,  
14 payment, promise to pay, or authorization of the payment of  
15 money or of anything of value to a foreign official, a foreign  
16 political party or to any person while the defendant knew that  
17 all or a portion of the payment or gift would be offered, given  
18 or promised, directly or indirectly, to a foreign official or  
19 foreign political party. This would be done for the purpose of  
20 influencing any act or decision of the foreign official in his  
21 or her official capacity, inducing the foreign official to do  
22 or omit to do any act in violation of that official's lawful  
23 duty, inducing that foreign official to use his or her  
24 influence with a foreign government or instrumentality thereof,  
25 to affect or influence any act or decision of such government

L7QQstip

1 or instrumentality, or to secure any improper advantage; and  
2 that the payment was made to assist, in this case, Glencore  
3 International AG, including its affiliates and subsidiaries, in  
4 obtaining business or obtaining business for or with, or  
5 directing business to any person; that the defendant knowingly  
6 and willfully became a member of this conspiracy; and that one  
7 of the members of the conspiracy knowingly committed an overt  
8 act in furtherance of the conspiracy. Those are the elements  
9 for Count One.

10 As to Count Two, the elements are as follows:

11 From in or around 2007 to in or around 2018, the  
12 defendant agreed with others to commit international  
13 promotional money laundering as charged in Count Two of the  
14 indictment. The elements of international promotional money  
15 laundering are as follows:

16 The transport or transfer or cause to transfer or  
17 transfer of a monetary instrument or fund from a place in the  
18 United States or to or through a place outside the United  
19 States or to a place in the United States from or through a  
20 place outside the United States, with the intent to promote the  
21 carrying on of a specified unlawful activity; here, violations  
22 of the Foreign Corrupt Practices Act; and that the defendant  
23 joined this conspiracy knowingly and willfully.

24 In addition to those elements, the government would  
25 also have to prove venue in the Southern District of New York;

L7QQstip

1 and as to venue, the government would only need prove this by a  
2 preponderance of the evidence.

3 Were this case to proceed to trial, the government  
4 would prove, among other things, the following:

5 That from on or about 2007 to on or about 2018, the  
6 defendant agreed with others to pay bribes to foreign officials  
7 located in Nigeria. To accomplish and promote the bribery  
8 scheme, the defendant and others caused wires to be sent from  
9 bank accounts in Switzerland to bank accounts in Nigeria, and  
10 that those transfers used correspondent bank accounts  
11 maintained in the Southern District of New York. In addition,  
12 the defendant sent and received electronic communications in  
13 furtherance of the bribery scheme while physically located in  
14 the United States.

15 The government's evidence at trial would include,  
16 among other things, the following:

17 Emails between the defendant and other co-conspirators  
18 discussing the conspiracy and the payment of bribes to foreign  
19 officials in Nigeria, including emails sent by the defendant  
20 from the United States; emails from co-conspirators, including  
21 the defendant, showing that the purpose of the wire transfers  
22 was, in part, to make bribe payments in order to secure oil  
23 business for the defendant's employer from Nigerian government  
24 officials who exercised discretion and authority over the oil;  
25 bank records showing the transfer of money from bank accounts

L7QQstiP

1 maintained in Switzerland to bank accounts maintained by  
2 co-conspirators in Nigeria and through correspondent bank  
3 accounts maintained in the Southern District of New York.

4 The evidence would also include testimony from other  
5 individuals involved in the scheme discussing how the money  
6 received via international wire would be used to pay bribes to  
7 foreign officials in order to secure business on behalf of the  
8 International Commodity Trading Company, which company employed  
9 the defendant.

10 THE COURT: Thank you. I trust that completes your  
11 presentation.

12 MR. MCGINNIS: Yes, your Honor. Thank you.

13 THE COURT: All right. Mr. Stimler, please tell me in  
14 your own words what you did that leads you to believe that you  
15 are guilty of the crimes charged in Counts One and Two of the  
16 information.

17 THE DEFENDANT: Of course, your Honor.

18 I was employed at Glencore from 1998 to 2019 with a  
19 break from early 2009 to mid 2011. From around 2002 to 2009, I  
20 worked as a junior trader on the West Africa crude oil trading  
21 desk and then as a senior trader on the desk from when I  
22 returned in mid 2011 until I left the company in 2019.

23 Between around 2007 to 2009, I was involved in  
24 discussions with another trader to direct payments to  
25 intermediaries for the purpose of bribing Nigerian government



L7QQstiP

1 officials in order to obtain oil cargoes for Glencore.

2 From around 2011 to 2018, I approved bribe payments  
3 made by Glencore intermediaries to government officials in  
4 Nigeria to assist Glencore in receiving oil cargoes from the  
5 Nigerian government.

6 During that time, I communicated with Glencore's  
7 intermediaries by email, text messages and phone calls about  
8 the bribe payments.

9 When I made request for payments to intermediaries, I  
10 was aware that other Glencore traders who worked with me were  
11 doing the same thing by directing our intermediaries to make  
12 bribe payments to government officials, and I learned this  
13 through our conversations, emails and text messages. Some of  
14 these bribe payment communications with the intermediaries took  
15 place over email while I was in the Southern District of New  
16 York. I intended that a proportion of the payment to  
17 intermediaries operating in Nigeria were to be passed on to  
18 Nigerian state-owned oil company officials. The purpose of the  
19 payment was to influence those officials' decisions regarding  
20 the Nigerian government's allocations of crude oil cargo, and  
21 to obtain favorable dates and grades terms for the benefit of  
22 Glencore. Payments to the intermediaries were usually made in  
23 U.S. dollars. I was fully aware that the transmitted dollar  
24 funds were sent from Glencore to European bank accounts through  
25 United States bank in Manhattan and then on to the

L7QQstiP

1 intermediaries' bank account in Nigeria, Cyprus and elsewhere.

2 Your Honor, I knew what I was doing was wrong and  
3 unlawful. I'm extremely remorseful for my conduct. I take  
4 full responsibility for my actions, and I have been cooperating  
5 with the Department of Justice and the U.S. Attorney's Office  
6 in their investigations for over two years now.

7 Thank you.

8 THE COURT: Thank you, Mr. Stimler.

9 Does the government agree there's a sufficient factual  
10 predicate for a plea of guilty to Counts One and Two of the  
11 information?

12 MR. MCGINNIS: Yes, we do, your Honor.

13 THE COURT: Mr. Krakoff, do you agree that there is a  
14 sufficient factual basis for a plea of guilty to the two counts  
15 of the information?

16 MR. KRAKOFF: Yes, I do, your Honor.

17 THE COURT: Mr. Krakoff, are you aware of any valid  
18 defense that would likely prevail at trial or any other reason  
19 why your client should not be permitted to plead guilty?

20 MR. KRAKOFF: No, I don't, your Honor.

21 THE COURT: Mr. Stimler, do you have any questions for  
22 me?

23 THE DEFENDANT: No, your Honor.

24 THE COURT: With regard to Count One of the  
25 information, how do you plead? Guilty or not guilty.

L7QQstiP

1 THE DEFENDANT: I plead guilty, your Honor.

2 THE COURT: With regard to Count Two of the  
3 information, how do you plead? Guilty or not guilty.

4 THE DEFENDANT: I plead guilty, your Honor.

5 THE COURT: With regard to the forfeiture allegations  
6 in paragraphs 22, 23, and 24, do you admit them or do you deny  
7 them?

8 THE DEFENDANT: I admit them, your Honor.

9 THE COURT: All right. Now, Mr. Stimler, I have a  
10 number of questions to ask you about your plea agreement.

11 I have before me a plea agreement that on the cover  
12 page bears the date of May 6, 2021 and appears to have been  
13 signed by you on June 23 of this year, and it is seven pages in  
14 length. Have I correctly described your plea agreement with  
15 the government?

16 THE DEFENDANT: Yes, you have, your Honor.

17 THE COURT: Did you read it before you signed it?

18 THE DEFENDANT: Yes, I did, your Honor.

19 THE COURT: Did you discuss it with your lawyers  
20 before you signed it?

21 THE DEFENDANT: Yes, I did, your Honor.

22 THE COURT: Did you ask them questions, and did they  
23 respond to your questions satisfactorily?

24 THE DEFENDANT: Yes, they did, your Honor.

25 THE COURT: Has anyone threatened you or forced you in

L7QQstip

1 any way to enter into the plea agreement or to plead guilty?

2 THE DEFENDANT: Not at all, your Honor.

3 THE COURT: All right. Has anyone promised you  
4 anything or given you anything of value that's not set forth in  
5 the plea agreement?

6 THE DEFENDANT: No, not at all, your Honor.

7 THE COURT: Does the plea agreement, the seven pages,  
8 contain all of your understandings with the government?

9 THE DEFENDANT: Yes, it does, your Honor.

10 THE COURT: I want you to know that any prediction,  
11 calculation or estimate that anyone has made to you, including  
12 your own lawyer, as to what sentence I might give you is not  
13 binding on me, not binding on the Court, and if it turns out to  
14 be wrong, you will not be permitted to withdraw your guilty  
15 plea. Do you understand that?

16 THE DEFENDANT: Yes, I do, your Honor.

17 THE COURT: Now, one of the features of your agreement  
18 with the government is that you and the government or you have  
19 agreed with the government to provide it truthful cooperation  
20 and substantial assistance. Is that correct?

21 THE DEFENDANT: Yes, that is correct, your Honor.

22 THE COURT: And the government has said that if they  
23 determine that you have provided truthful cooperation and  
24 substantial assistance, they will make a motion addressed to me  
25 under Section 5K1.1 of the Sentencing Guidelines and/or Section

L7QQstiP

1 3553(e) of Title 18 that I sentence you without regard to the  
2 Sentencing Guidelines. Is that correct?

3 THE DEFENDANT: Yes, it is, your Honor.

4 THE COURT: The determination of whether or not your  
5 cooperation and assistance is substantial enough for the  
6 government to make that motion is left to the government. It's  
7 not up to me, and I cannot second-guess it, nor can you second  
8 guess it. If for some reason the government decides not to  
9 make a motion under 5K1.1 or Section 3553(e), or they make that  
10 motion and I decline to grant it, you will not be permitted to  
11 withdraw your guilty plea in this case. Do you understand all  
12 of that?

13 THE DEFENDANT: Yes, I do, your Honor.

14 THE COURT: And even if they do make the motion and I  
15 grant it, it's up to the Court to determine how much weight to  
16 give to your cooperation and your substantial assistance in  
17 determining your sentence in this case. Do you understand  
18 that?

19 THE DEFENDANT: Yes, I do, your Honor.

20 THE COURT: And is it still your desire and intent to  
21 plead guilty to Counts One and Two?

22 THE DEFENDANT: Yes, it is, your Honor.

23 THE COURT: And to admit the forfeiture allegations?

24 THE DEFENDANT: Yes, I do, your Honor.

25 THE COURT: All right. I find that your guilty pleas

L7QQstiP

1 to Counts One and Two are knowing, voluntary and intelligent;  
2 that you know your rights, you know the consequences of  
3 pleading guilty, and there's a factual basis for your plea of  
4 guilty. So your plea of guilty to Counts One and Two is  
5 accepted, as is your admission to the forfeiture allegations.

6 Further, I find that you entered into the plea  
7 agreement knowingly, voluntarily and intelligently, and you  
8 understand the provisions relating to substantial assistance  
9 and the obligations of the government and the prerogatives of  
10 the government to determine whether your assistance has been  
11 substantial or not.

12 So I will order a presentence investigation and  
13 report, and direct that no interview of you take place. Now,  
14 this presentence investigation is not going to take place in  
15 the near future. It will be put off for some time, and it's  
16 important that you be candid, truthful and honest with the  
17 people who prepare the presentence report. Tell them the good  
18 things and the not-so-good-things because the report will be  
19 important in my decision on sentencing. Before the day of  
20 sentencing, you will have an opportunity to review that report.  
21 If there are mistakes in it, point them out to your lawyer so  
22 he can point them out to me.

23 And let me hear from the government on a control date  
24 for sentencing. Do you have a proposal?

25 MR. MCGINNIS: Yes, your Honor. The parties would

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1 propose an initial control date of six months from today, at  
2 which point we would check back in with the Court to see if we  
3 could potentially extend it as needed.

4 THE COURT: I will ask my courtroom deputy to give us  
5 a date.

6 And I understand that the defendant is moving for the  
7 continuation of bail pending sentencing. Is that correct,  
8 Mr. Krakoff?

9 MR. KRAKOFF: Yes, it is, your Honor. And we have  
10 proposed or sent to the Court a proposed bail package, that I  
11 hope your Honor has received, filed by the United States  
12 Attorney's Office.

13 THE COURT: All right.

14 MR. KRAKOFF: I would be happy to review it with the  
15 Court if the Court would like.

16 THE COURT: Just let me see whether -- I have his  
17 report from pretrial services. Let me see whether I have the  
18 bail package. All right, I think I have it here. It's set  
19 forth in a letter dated July 26, 2021.

20 MR. KRAKOFF: That's correct, your Honor.

21 THE COURT: For the record, does the government oppose  
22 that bail package?

23 MR. MCGINNIS: No, your Honor. We join in that  
24 application.

25 THE COURT: All right. And I have pretrial services

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1 on the line. I have reviewed the pretrial services report.

2 Any objection to the bail package?

3 MS. JACKSON: No objection here, your Honor.

4 THE COURT: Thank you.

5 So defendant will be released subject to the following  
6 conditions: The defendant to surrender to the FBI for  
7 processing by November 1, 2021; the defendant to reside in the  
8 United Kingdom; the defendant to permit the law enforcement  
9 officers identified by the government to monitor the GPS  
10 coordinates of his mobile phone; the defendant to check in with  
11 law enforcement officers identified by the government one time  
12 per week; the defendant to sign a personal recognizance bond in  
13 the amount of \$500,000, which bond is to be cosigned by two  
14 financially responsible persons and secured by \$25,000 in cash;  
15 and the defendant to refrain from travel outside the United  
16 Kingdom without advance permission from the government. Those  
17 conditions must all be satisfied by August 16, 2021, and I will  
18 so order the bail package on the letter of July 22, 2021, and  
19 it will be docketed.

20 Anything further from the government?

21 MR. MCGINNIS: Nothing from the government, your  
22 Honor. Thank you very much.

23 THE COURT: Anything further from the defendant?

24 THE DEFENDANT: Nothing from me, your Honor. Thank  
25 you.



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1 DEPUTY CLERK: Judge?

2 THE COURT: Yes, Flo?

3 DEPUTY CLERK: Judge, it's Flo. So I have a control  
4 day of the January 28, 2022 at 9:00 a.m.

5 THE COURT: January 28, 2022 at 9:00 a.m. control date  
6 for sentencing. Thank you, Flo.

7 Anything further, Mr. Krakoff?

8 MR. KRAKOFF: No, your Honor. Thank you.

9 THE COURT: Thank you all very much. We are  
10 adjourned.

11 DEPUTY CLERK: Judge, can I say one more thing?

12 THE COURT: Yes.

13 DEPUTY CLERK: He is going to be a cooperator but  
14 everything is going on the docket; nothing is sealed?

15 THE COURT: No one has made any application to me for  
16 sealing. Is that correct, government?

17 MR. MCGINNIS: That is correct, your Honor, we are not  
18 making an application.

19 THE COURT: Thank you very much. We are adjourned.

20 (Adjourned)

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